This Statutory Instrument has been made in consequence of a defect in the Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) (No. 2) Regulations 2023 (S.I. 2023/912) and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2026 No. 673

INCOME TAX

The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2026

Made - - - -	*22nd June 2026*
Laid before the House of Commons - - - -	*23rd June 2026*
Coming into force - -	*14th July 2026*

The Treasury make these Regulations in exercise of the powers conferred by section 11 of the Finance Act 2022(**1**).

Part 1

Introductory

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2026.

(2) These Regulations come into force on 14th July 2026 and have effect so as to modify enactments in their application in relation to a relevant person(**2**).

(3) Regulations 3, 4 and 14 have effect as if, when the provisions which they amend were made, those provisions contained the amendments made by these Regulations.

(4) Regulations 5 to 8 have effect for the tax year 2023 - 24 and subsequent tax years.

(5) Regulations 9 to 12 and 15 have effect for the tax year 2014 - 15 and subsequent tax years.

(**1**) 2022 c. 3. In these footnotes, "FA" followed by a number is a reference to a Finance Act of that year.
(**2**) "Relevant person" has the meaning given in section 11(3) of FA 2022.

Interpretation

2.—(1) In these Regulations—

"the 2023 Regulations" means the Public Service Pensions Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2023(**3**);

"the 2023 (No. 2) Regulations" means the Public Service Pensions Schemes (Rectification of Unlawful Discrimination) (Tax) (No. 2) Regulations 2023(**4**).

(2) Other expressions used in these Regulations have the same meaning as in Part 4 of FA 2004 (pension schemes etc), the 2023 Regulations, the 2023 (No. 2) Regulations and PSPJOA 2022(**5**).

Part 2

Amendment of the 2023 Regulations

Amendment of regulation 8 of the 2023 Regulations

3.—(1) Regulation 8 of the 2023 Regulations (Chapter 1 schemes and judicial 2015 schemes: operation of scheme pays for remedy years) is amended as follows.

(2) In paragraph (3), sub-paragraph (b), for paragraph (i) substitute—

"(i) for everything before sub-paragraph (a) there were substituted—

"(3) The individual may give a notice to the scheme administrator of the Chapter 1 scheme or the judicial 2015 scheme (within the meaning of Chapter 1 or Chapter 2 of Part 1 of the Public Service Pensions and Judicial Offices Act 2022), or to His Majesty's Revenue and Customs, by digital means, for onward transmission to the scheme administrator, specifying that the individual and the scheme administrator are to be jointly and severally liable in respect of so much of the annual allowance charge arising in the case of the individual as—".".

(3) After paragraph (3), sub-paragraph (e), insert—

"(f) for the purposes of subsection (7), a notice which is given by the individual to HMRC(**6**) by digital means is treated as having been received by the scheme administrator when HMRC send the notice to the scheme administrator.".

(4) For paragraph (4) substitute—

"(4) In the application of section 237BA of FA 2004 (time limit for notices under section 237B)(**7**) in relation to a scheme pays notice given under section 237B of FA 2004(**8**) as that section applies by virtue of paragraph (2)(b)—

(a) the reference in subsection (2) of that section to 31st July is to be read as a reference to 6th July 2027;

(**3**) S.I. 2023/113. These Regulations were amended by S.I. 2023/912 and 2025/419.

(**4**) S.I. 2023/912. These Regulations were amended by S.I. 2025/419.

(**5**) "PSPJOA 2022" means the Public Service Pensions and Judicial Offices Act 2022 (c. 7) (section 11(7) of FA 2022). In these footnotes, a reference to "PSPJOA 2022" is a reference to the Public Service Pensions and Judicial Offices Act 2022.

(**6**) "HMRC" means His Majesty's Revenue and Customs (regulation 2 of S.I. 2023/113). References in FA 2004 to "the Inland Revenue" means any officer of the Board of the Inland Revenue (section 179 of FA 2004). Section 50(2) of the Commissioners for Revenue and Customs Act 2005 (c. 11) provides that references to officers of the Board of the Inland Revenue in an enactment are to officers of Revenue and Customs.

(**7**) Section 237BA of FA 2004 (c. 12) was inserted by section 9(3) of FA 2022.

(**8**) Section 237B of FA 2004 was inserted by paragraph 15 of Schedule 17 to FA 2011 (c. 11) and was amended by paragraph 129 of Schedule 46 to FA 2013 (c. 29), paragraph 68 of Schedule 1 to the Taxation of Pensions Act 2014 (c. 30), section 9(2) of FA 2022, paragraph 6 of Schedule 9 to FA 2024 (c. 3), paragraph 15 of Schedule 9 to FA 2025 (c. 8) for tax year 2025-26 and subsequent tax years, and by S.I. 2015/80, 2015/1810, 2017/468 and 2019/201.

(b) for the purposes of subsection (2) of that section, a scheme pays notice which is given by the individual to HMRC by digital means is treated as having been given to the scheme administrator at the same time.

(4ZA) In the application of section 254 of FA 2004 (accounting for tax by scheme administrators)(**9**) in relation to a scheme pays notice given under section 237B of FA 2004 as that section applies by virtue of paragraph (2)(b), for the purposes of subsection (7A)(b), a scheme pays notice which is given by the individual to HMRC by digital means is treated as having been received by the scheme administrator when HMRC send the notice to the scheme administrator.”.

(5) In paragraph (4A), in sub-paragraph (c), omit “5th July 2030 or, where the condition in paragraph (5) is met,”.

(6) Omit paragraphs (5) and (6).

Amendment of regulation 9 of the 2023 Regulations

4.—(1) Regulation 9 of the 2023 Regulations (Chapter 1 schemes: operation of scheme pays for 2022-23) is amended as follows.

(2) In sub-paragraph (2)(b), for everything before the text to be treated as substituted for paragraph (a), substitute—

“(b) subsection (3) has effect as if—

(i) in the opening words of that subsection, after “the individual may give a notice to the scheme administrator of the pension scheme” there were inserted “, or to His Majesty’s Revenue and Customs, by digital means, for onward transmission to the scheme administrator,”; and

(ii) for paragraph (a) there were substituted—”.

(3) In paragraph (2), after sub-paragraph (2)(e) insert—

“(f) for the purposes of subsection (7), a notice which is given by the individual to HMRC by digital means is treated as having been received by the scheme administrator when HMRC send the notice to the scheme administrator.”.

(4) For paragraph (3) substitute—

“(3) In the application of section 237BA of FA 2004 in relation to a scheme pays notice given in relation to a Chapter 1 scheme for the tax year 2022-23 by an individual who has any remediable service in any earlier tax year—

(a) the reference in subsection (2) of that section to 31st July is to be read as a reference to 6th July 2027; and

(b) for the purposes of subsection (2) of that section a scheme pays notice which is given by the individual to HMRC by digital means is treated as having been given to the scheme administrator at the same time.

(3ZA) In the application of section 254 of FA 2004 (accounting for tax by scheme administrators) in relation to a scheme pays notice given in relation to a Chapter 1 scheme for the tax year 2022-23 by an individual who has any remediable service in any earlier tax year, for the purposes of subsection (7A)(b), a scheme pays notice which is given by the individual to HMRC by digital means is treated as having been received by the scheme administrator when HMRC send the notice to the scheme administrator.”.

(**9**) Subsection (7A) of section 254 of FA 2004 was inserted by paragraph 18 of Schedule 17 to FA 2011 and amended by section 9(4) of FA 2022.

(5) In paragraph (3A), in sub-paragraph (c), omit the words "5th July 2030 or, where the condition in paragraph (4) is met,".

(6) Omit paragraphs (4) and (5).

Part 3

Immediate Detriment - Judicial Schemes

Meaning of "immediate detriment remedy"

5. For the purposes of this Part, an immediate detriment remedy has been obtained in relation to a person's remediable service in a judicial office if either of the conditions in section 68 of PSPJOA 2022 (whether an "immediate detriment remedy" has been obtained) is met.

Modification of regulation 15 of the 2023 Regulations

6.—(1) Regulation 15 of the 2023 Regulations (judicial schemes and local government schemes: administrative provisions relating to scheme pays) is modified as follows.

(2) Sub-paragraph (e) of paragraph (1) applies in relation to a person's remediable service(**10**) in a judicial office where an immediate detriment remedy has been obtained in relation to that service as if, for the words "a relevant rectification provision" there were substituted "the application of Part 3 of the Judicial Pensions (Remediable Service etc.) Regulations 2023 (provision where an immediate detriment remedy has already been obtained)(**11**)".

Modification of regulation 42 of the 2023 Regulations

7.—(1) Regulation 42 of the 2023 Regulations (transfers from PPA in accordance with PSPJOA 2022 ignored) is modified as follows.

(2) Sub-paragraph (b) of paragraph (2) applies in relation to a person's remediable service in a judicial office where an immediate detriment remedy has been obtained in relation to that service as if, for the words "section 41 of that Act (transfers from partnership pension accounts)" there were substituted "regulation 16 of the Judicial Pensions (Remediable Service etc.) Regulations 2023 (partnership pension account: requirement to transfer and surrender rights)".

Modification of regulation 43 of the 2023 Regulations

8.—(1) Regulation 43 of the 2023 Regulations (transfers from PPA in accordance with PSPJOA 2022 treated as recognised transfers) is modified as follows.

(2) Sub-paragraph (b) of paragraph (2) applies in relation to a person's remediable service in a judicial office where an immediate detriment remedy has been obtained in relation to that service as if, for the words "section 41 of that Act (requirement to transfer and surrender PPA rights)" there were substituted "regulation 16 of the Judicial Pensions (Remediable Service etc.) Regulations 2023 (partnership pension account: requirement to transfer and surrender rights)".

(**10**) "Remediable service" has the meaning given in section 1 of PSPJOA 2022.
(**11**) S.I. 2023/766 as amended by S.I. 2024/79.

Part 4

Armed Forces

Interpretation of this Part

9. In this Part—

"2005 Order" means the Armed Forces Pension Scheme Order 2005(**12**);

"AFPS 1975" means the occupational pension scheme established by Schedules 1 and 3 to—

(a) the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(**13**);

(b) the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010(**14**); and

(c) the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(**15**)

as the case may be;

"AFPS 1975 benefits" means benefits under the AFPS 1975;

"AFPS 2005" means the occupational pension scheme arrangements for members of the regular forces set out in Schedules 1, 2 and 3 to the 2005 Order;

"earlier service" has the meaning given by paragraph 18 of Part 4 of Schedule 3 to the 2005 Order;

"EDP 2015 benefits" means benefits under the EDP 2015 Scheme;

"EDP 2015 Scheme" means the scheme established by Part 2 of the Armed Forces Early Departure Payments Scheme Regulations 2014(**16**);

"employer-financed retirement benefits scheme" has the meaning given in section 393A of ITEPA 2003(**17**);

(**12**) S.I. 2005/438, relevantly amended by S.I. 2023/998.

(**13**) This Order ("the Naval Pensions Order") sets out the Armed Forces Pension Scheme 1975 in relation to former members of the regular Navy and Royal Marines. Schedule 1 to the Naval Pensions Order was revoked and replaced with a revised Schedule 1 by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010 and has been amended by S.I. 2023/998. Schedule 3 to the Naval Pensions Order was inserted by S.I. 2015/568 and has been amended by S.I. 2022/323 and 2023/998. Schedule 4 to the Naval Pensions Order was inserted by S.I. 2023/998. There are other amending instruments but none is relevant. Hard copies can be obtained from Ministry of Defence, AF Remuneration - Pensions, Main Building, Whitehall, London SW1A 2HB. The Orders can be found at www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations.

(**14**) This Warrant ("the Army Pensions Warrant") sets out the Armed Forces Pension Scheme 1975 in relation to former members of the regular Army. Schedule 1 to the Army Pensions Warrant was revoked and replaced with a revised Schedule 1 by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2010 and has been amended by S.I. 2023/998. Schedule 3 to the Army Pensions Warrant was inserted by S.I. 2015/568 and has been amended by S.I. 2022/323 and 2023/998. Schedule 4 to the Army Pensions Warrant was inserted by S.I. 2023/998. There are other amending instruments but none is relevant. Hard copies can be obtained from Ministry of Defence, AF Remuneration - Pensions, Main Building, Whitehall, London SW1A 2HB. The Orders can be found at: www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations.

(**15**) This Order ("the Air Force Pensions Order") sets out the Armed Forces Pension Scheme 1975 in relation to former members of the regular Royal Air Force. Schedule 1 to the Air Force Pensions Order was revoked and replaced with a revised Schedule 1 by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010 and has been amended by S.I. 2023/998. Schedule 3 to the Air Force Pensions Order was inserted by S.I. 2015/568 and has been amended by S.I. 2022/323 and 2023/998. Schedule 4 to the Air Force Pensions Order was inserted by S.I. 2023/998. There are other amending instruments but none is relevant. Hard copies can be obtained from Ministry of Defence, AF Remuneration - Pensions, Main Building, Whitehall, London SW1A 2HB. The Orders can be found at: www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations.

(**16**) S.I. 2014/2328. There are amendments to this instrument, none of which is relevant to these Regulations

(**17**) Section 393A of ITEPA 2003 was inserted by section 249(3) of FA 2004. "ITEPA 2003" is defined as the Income Tax (Earnings and Pensions) Act 2003 (c. 1) (section 103 of FA 2022).

"Pensions Tax Acts" means any enactment relating to the taxation of benefits payable from a pension scheme (within the meaning of section 150(1) of FA 2004) and includes any provisions of the Income Tax Acts which relate to the taxation of such benefits;

"section 6 election" means an election given in accordance with section 6 of PSPJOA 2022;

"section 10 election" means an election given in accordance with section 10 of PSPJOA 2022.

AFPS 1975: election for new scheme benefits

10.—(1) This regulation applies where—

(a) a section 6 election or a section 10 election is made in relation to an individual's remediable service under the AFPS 1975; and

(b) as a result of that election, new scheme benefits(**18**) which are equivalent to EDP 2015 benefits are payable in relation to that individual's remediable service under the AFPS 1975 ("EDP 2015 equivalent benefits").

(2) For the purposes of the Pensions Tax Acts—

(a) EDP 2015 equivalent benefits are to be treated as being payable from a separate part of the AFPS 1975 ("the separate part");

(b) the separate part—

(i) is to be treated as an employer-financed retirement benefits scheme which is only liable to pay EDP 2015 equivalent benefits; and

(ii) is to be ignored for the purposes of applying Part 4 of FA 2004 to the AFPS 1975.

(3) EDP 2015 equivalent benefits which are paid in the form of a lump sum are to be treated as a lump sum provided under the EDP 2015 Scheme for the purposes of section 640A of ITEPA 2003 (lump sums provided under armed forces early departure scheme)(**19**).

AFPS 2005: election for new scheme benefits

11.—(1) This regulation applies where—

(a) Part 4 of Schedule 3 to the 2005 Order applies to or in respect of an individual in accordance with paragraph 18 of that Part;

(b) a section 6 election is made in relation to an individual's remediable service under the AFPS 2005; and

(c) as a result of that election, benefits which are equivalent to AFPS 1975 benefits are payable in relation to that individual's earlier service from the AFPS 2005 ("AFPS 1975 equivalent benefits") in accordance with paragraph 19 of Part 4 of Schedule 3 to the 2005 Order.

(2) The normal minimum pension age(**20**) in relation to AFPS 1975 equivalent benefits is treated as being the protected pension age which would have applied to that individual in relation to the AFPS 1975 under paragraph 22 of Schedule 36 to FA 2004(**21**), disregarding the operation of Part 4 of Schedule 3 to the 2005 Order.

(**18**) "New scheme benefits" has the meaning given in section 34 of PSPJOA 2022.
(**19**) Section 640A of ITEPA 2003 was inserted by section 19(5) of FA 2005 (c. 7) and was amended by section 15(1) of FA 2015 (c. 11).
(**20**) "Normal minimum pension age" has the meaning given in section 279 of FA 2004. The definition was substituted by section 10(2) of FA 2022.
(**21**) Paragraph 22 (amongst other provisions) of Schedule 36 to FA 2004 was moved under a new heading entitled "Protected pension age: scheme rights existing before 6 April 2006" by section 10(6)(a) of FA 2022.

Part 5

Miscellaneous

Minor benefits: trivial commutation lump sum death benefit

12.—(1) Paragraph (2) applies where—

(a) an individual (D) has been paid a trivial commutation lump sum death benefit(**22**),

(b) as a result of the operation of a relevant rectification provision(**23**), an amount by way of lump sum ("the additional lump sum") has become payable to D or to D's personal representative under a registered pension scheme(**24**),

(c) D has died without having received the additional lump sum,

(d) the additional lump sum is paid to D's personal representative, and

(e) the additional lump sum would have been a trivial commutation lump sum death benefit if—

(i) D had been alive when it was paid, and

(ii) it had been paid to D.

(2) The additional lump sum is to be treated as—

(a) falling within section 164(1) of FA 2004 (authorised member payments)(**25**), and

(b) a trivial commutation lump sum death benefit paid under a registered pension scheme for the purposes of Part 9 of ITEPA 2003 (pension income)(**26**).

Voluntary scheme pays - payment of tax where request served

13.—(1) This regulation applies where—

(a) a specified individual(**27**) is liable to an annual allowance charge, or to such charge in an increased amount, as a result of the operation of a relevant rectification provision, and

(b) the scheme administrator(**28**) has, in response to a request(**29**) from the individual, at any time agreed to pay an amount in respect of the annual allowance charge(**30**) or the increase to such charge.

(2) This regulation also applies where—

(a) a specified individual is liable to an annual allowance charge in respect of the tax year 2022-23, and

(b) the scheme administrator has, in response to a request from the individual, at any time agreed to pay an amount in respect of the annual allowance charge.

(**22**) "Trivial commutation lump sum death benefit" has the meaning given in paragraph 20 of Schedule 29 to FA 2004.
(**23**) "Relevant rectification provision" has the meaning given in S.I. 2023/113.
(**24**) "Registered pension scheme" has the meaning given in section 150(2) of FA 2004.
(**25**) Section 164 of FA 2004 was relevantly amended by paragraph 16 of Schedule 9 to FA 2024 and by paragraph 6 of Schedule 23 to FA 2006 (c. 25).
(**26**) The taxation of trivial commutation lump sum death benefits is dealt with in section 637N of Chapter 15A of Part 9 of ITEPA 2003. The existing Chapter 15A was substituted by paragraph 41 of Schedule 9 to FA 2024 (which has effect for 2024-25 and subsequent tax years).
(**27**) "Specified individual" has the meaning given in regulation 30 of S.I. 2023/912.
(**28**) "Scheme administrator" has the meaning given in section 270 of FA 2004 (but see also sections 271 to 274 of that Act).
(**29**) Requests made to a scheme administrator to pay an amount of an annual allowance charge may be made outside the provisions of FA 2004 and associated legislation. These requests are also referred to in regulations 10(2)(b) and 11(2)(d) of the 2023 Regulations. More information can be found at: https://www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm056300#IDAKEOLD.
(**30**) "Annual allowance charge" has the meaning given in section 227(1) of FA 2004. Section 227(1) was amended by paragraph 63(2) of Schedule 1 to the Taxation of Pensions Act 2014.

(3) The amount of the annual allowance charge which the scheme administrator has agreed to pay must be paid no later than the end of the period of 45 days beginning with the day immediately following the end of the quarter in which the scheme administrator receives the request mentioned in paragraph (1)(b) or (2)(b).

(4) A request mentioned in paragraph (1)(b) or (2)(b) which is given by the specified individual to HMRC by digital means is treated as having been received by the scheme administrator when HMRC send the request to the scheme administrator.

(5) In this regulation, "quarter" means each period of 3 months ending with 31st March, 30th June, 30th September or 31st December.

Amendment of regulation 32 of the 2023 (No. 2) Regulations

14.—(1) Regulation 32 of the 2023 (No. 2) Regulations (specified information: due date for information)(**31**) is amended as follows.

(2) For paragraph (3) substitute—

"(3) Where a scheme administrator provides a pension savings statement to or in respect of the specified individual on or after 1st November 2024, the due date for information is—

(a) the date which is three months after the date on which that statement is provided, or

(b) where the specified individual dies within the period of three months beginning with the date on which that statement is provided, the date three months after the date of death.".

(3) For paragraph (8) substitute—

"(8) Where a scheme administrator provides a pension savings statement or a benefit crystallisation event statement to or in respect of the specified individual on or after 1st November 2026 the due date for information is—

(a) the date which is three months after the date on which that statement is provided, or

(b) where the specified individual dies within the period of three months beginning with the date on which that statement is provided, the date three months after the date of death.".

Excess teacher service

15.—(1) This regulation applies where the relevant Chapter 1 legacy scheme(**32**) in relation to the excess teacher service(**33**) of an individual ("P") is the local government new scheme(**34**) by virtue of sections 2(1) and 4(4) of PSPJOA 2022.

(2) A final salary uplift to which P is or may be entitled is to be ignored for the purposes of determining P's pension input amounts(**35**) for any pension input period(**36**).

(3) In this regulation "final salary uplift" means an increase in the benefits payable to P under regulations 4A to 4V of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014(**37**).

(**31**) S.I. 2023/912.
(**32**) "Relevant Chapter 1 legacy scheme" has the meaning given in section 4 of PSPJOA 2022.
(**33**) "Excess teacher service" has the meaning given in section 110(2) of PSPJOA 2022.
(**34**) "Local government new scheme" has the meaning given in section 86(2) of PSPJOA 2022.
(**35**) "Pension input amount" has the meaning given in section 229 of FA 2004.
(**36**) "Pension input period" has the meaning given in sections 238 to 238ZB of FA 2004.
(**37**) S.I. 2014/525. Regulations 4A to 4V were inserted by S.I. 2023/972 and amended by S.I. 2026/226.

Christian Wakeford
Deirdre Costigan
Two of the Lords Commissions of His Majesty's Treasury

22nd June 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

In this Explanatory Note, references to "FA" followed by a year are to a Finance Act of that year, references to "HMRC" are to the Commissioners for His Majesty's Revenue and Customs, references to "ITEPA 2003" are to the Income Tax (Earnings and Pensions) Act 2003 (c. 1) and references to "PSPJOA 2022" are to the Public Service Pensions and Judicial Offices Act 2022 (c. 7).

Part 1 of PSPJOA 2022 rectifies unlawful discrimination suffered by members of affected public service pension schemes.

Parts 2 to 5 of these Regulations make various modifications for the purposes of applying the correct tax treatment to public service pension schemes which are affected by the rectification of discrimination provisions contained in PSPJOA 2022. Modifications are made to enactments in their application in relation to a relevant person under the authority of section 11(2) and (3) of FA 2022 (c. 3). Authority for the retrospective effect of certain modifications made by these Regulations is provided for by section 11(4)(a) of FA 2022.

Regulation 1 of these Regulations provides for citation, commencement and effect. The reason for the effective date of each regulation is included in the explanation of each regulation in this Explanatory Note.

Part 2 of these Regulations contains amendments to the Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2023 (S.I. 2023/113) ("the 2023 Regulations").

Regulation 3 amends regulation 8 of the 2023 Regulations, which modifies the operation of sections 237B and 237BA of FA 2004 and of regulations 2 and 4 of the Registered Pension Schemes (Notice of Joint and Several Liability for the Annual Allowance Charge) Regulations 2011 (S.I. 2011/1793) as those provisions apply to an individual with remediable service in a tax year which is pensionable service under a Chapter 1 scheme or a judicial 2015 scheme. The modifications apply where, as a result of a relevant rectification provision, the individual's liability for an annual allowance charge in a tax year increases. The amendments allow members to submit scheme pays notices either directly to the scheme administrator or digitally to HMRC for onward transmission to the scheme administrator. If given digitally to HMRC, the notice is treated as being given to the scheme administrator at the same time for the purposes of the time limit for the scheme pays notice. However, for the purposes of determining the due date for payment of the annual allowance charge by the scheme administrator in accordance with section 254(7A) of FA 2004, the notice is treated as being given to the scheme administrator when HMRC send it to them. For members who were active or deferred on 1st October 2023, the deadline for giving such notices is extended to 6th July 2027 and the deadline for amending such notices is extended to 5th July 2032.

"Relevant rectification provision" has the meaning given in regulation 2 of the 2023 Regulations. "Active member" and "deferred member" have the meanings given in section 109 of PSPJOA 2022.

Regulation 4 amends regulation 9 of the 2023 Regulations, which modifies the operation of sections 237B and 237BA of FA 2004 and of regulations 2 and 4 of S.I. 2011/1793 as those provisions apply in relation to the tax year 2022-23 and in relation to an individual with remediable service in any earlier year in a Chapter 1 scheme. The modifications apply where an individual has a liability for an annual allowance charge in the tax year 2022-23. The amendments allow members to submit scheme pays notices either directly to the scheme administrator or digitally to HMRC for onward transmission to the scheme administrator. If given digitally to HMRC, the notice is treated as being given to the scheme administrator at the same time for the purposes of the time limit for the scheme pays notice. However, for the purposes of determining the due date for payment of the annual allowance charge by the scheme administrator in accordance with section 254(7A) of FA 2004, the notice is treated as being given to the scheme administrator when HMRC send it to them. For members who were active or deferred on 1st October 2023, the deadline for giving such notices is extended to 6th July 2027 and the deadline for amending such notices is extended to 5th July 2032.

Regulations 3 and 4 have effect as if, when regulations 8 and 9 of the 2023 Regulations were made, those regulations contained the amendments made by regulations 3 and 4 of these Regulations.

Part 3 of these Regulations makes provision about the treatment of an individual's remediable service in a judicial office in relation to which an immediate detriment remedy has been obtained ("judicial immediate detriment remediable service"). The modifications are necessary as the statutory provisions governing the treatment of judicial immediate detriment remediable service are contained in Part 3 of the Judicial Pensions (Remediable Service etc.) Regulations 2023 (S.I. 2023/766) (the "Judicial Regulations") rather than Chapter 2 of Part 1 of PSPJOA 2022.

Regulation 5 specifies the circumstances in which an immediate detriment remedy has been obtained in relation to a person's remediable service in a judicial office for the purposes of Part 3.

Regulation 6 modifies regulation 15 of the 2023 Regulations as that provision applies to judicial immediate detriment remediable service. Regulations 15(1) and (2) of the 2023 Regulations provide that where the scheme administrator of a judicial 2015 scheme has paid an annual allowance charge in accordance with a scheme pays notice or a voluntary scheme pays request, and the annual allowance charge has reduced as a result of a relevant rectification provision, the scheme administrator is not required to amend any previous accounting-for-tax return in respect of the liability, and may apply to reclaim the overpaid amount from HMRC. The effect of the modification is to replace the reference to relevant rectification provision with a reference to Part 3 of the Judicial Regulations.

Regulation 7 modifies regulation 42 of the 2023 Regulations as that provision applies in relation to judicial immediate detriment remediable service. Regulation 42 ensures that if a person who has Fixed Protection 2016 transfers their partnership pension account ("PPA") to a judicial scheme in accordance with section 41 of PSPJOA 2022, the transfer will not be a protection-cessation event. The effect of the modification is to replace the reference to section 41 of PSPJOA 2022 with a reference to regulation 16 of the Judicial Regulations, which has the effect of applying (with modifications) the provisions of section 41 of PSPJOA 2022 to judicial immediate detriment remediable service.

Regulation 8 modifies regulation 43 of the 2023 Regulations as that provision applies to judicial immediate detriment remediable service. Regulation 43 ensures that a transfer of a PPA to a judicial scheme in accordance with section 41 of PSPJOA 2022 is treated as a "recognised transfer" within the meaning of section 169 of FA 2004. The effect of the modification is to replace the reference to section 41 of PSPJOA 2022 with a reference to regulation 16 of the Judicial Regulations.

Regulations 5 to 8 have effect for the tax year 2023 - 24 and subsequent tax years. These regulations operate by reference to provisions of the Judicial Regulations, which came into force on 5th July 2023.

Part 4 of these Regulations makes provision for remediable service in armed forces pension schemes.

Regulation 9 provides the definitions of terms used in Part 4.

Regulation 10 applies to AFPS 1975 members who make a new scheme benefits election under section 6 or section 10 of PSPJOA 2022 and, as a result of that election, are entitled to benefits calculated on the basis of the EDP 2015 Scheme ("EDP 2015 equivalent benefits"). It provides that the EDP 2015 equivalent benefits are deemed payable from a separate part of the AFPS 1975 ("the separate part"). The separate part is deemed to be an employer-financed retirement benefits scheme which is only liable to pay EDP 2015 equivalent benefits. The provisions of Part 4 of FA 2004 (taxation of pensions) do not apply to the separate part. It also applies the appropriate income tax treatment to EDP 2015 equivalent benefits paid in lump sum form under ITEPA 2003.

"AFPS 1975" and "EDP 2015 Scheme" have the meanings given in regulation 9 of these Regulations.

A "section 6 election" means an election made in accordance with section 6 of PSPJOA 2022 and a "section 10 election" means an election made in accordance with section 10 of PSPJOA 2022.

Regulation 11 applies to certain re-joiner AFPS 2005 members who make a new scheme benefits election under section 6 of PSPJOA 2022, which results in their earlier service in the AFPS 1975 being aggregated in the AFPS 2005. It provides that in relation to the AFPS 1975 equivalent benefits which become payable from the AFPS 2005, normal minimum pension age is treated as the protected pension age which would have applied to that individual under the AFPS 1975.

"AFPS 2005" has the meaning given in regulation 9 of these Regulations.

Regulations 9 to 11 have effect for the tax year 2014 - 15 and subsequent tax years. These regulations address the unintended tax consequences which arise if certain members of the armed forces pension schemes made a section 6 election. As the section 6 election applies retrospectively to the period during which the member's remedial service accrued (1st April 2015 to 31st March 2022), these regulations need to take effect from the tax year 2014 - 15.

Part 5 of these Regulations contains miscellaneous provisions.

Regulation 12 makes provision in respect of trivial commutation lump sum death benefit payments. Where an individual was paid such a benefit, has died, and by virtue of a relevant rectification provision is entitled to an additional such sum which is paid to the individual's personal representative, the additional sum is treated as authorised for the purposes of section 164(1) of FA 2004 and as a trivial commutation lump sum death benefit for the purposes of Part 9 of ITEPA 2003.

Regulation 12 has effect for the tax year 2014 - 15 and subsequent tax years. This regulation addresses unintended tax consequences which arise due to the operation of a relevant rectification provision. As a relevant rectification provision applies retrospectively to the period during which the member's remediable service accrued, i.e., 1st April 2015 to 31st March 2022, in the case of a Chapter 1 scheme (a scheme other than a judicial scheme or a local government scheme) and a Chapter 2 scheme (a judicial scheme), this regulation needs to take effect from the tax year 2014 - 15.

Regulation 13 provides that where, in response to a voluntary scheme pays request from a specified individual, the scheme administrator has agreed to pay an annual allowance charge (or increase in such charge) which has arisen as a result of a relevant rectification provision or has arisen in the tax year 2022-23, such sum is to be paid within 45 days of the end of the quarter in which the scheme administrator received the request. In cases where the specified individual submits the request digitally to HMRC for onward transmission to the scheme administrator, the request is deemed to be received by the scheme administrator when it is sent by HMRC.

"Specified individual" has the meaning given in regulation 30 of the Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) (No. 2) Regulations 2023 (S.I. 2023/912) ("the 2023 (No. 2) Regulations").

Regulation 13 has effect from the date on which these Regulations come into force (14th July 2026). This regulation imposes a due date for payment of the annual allowance charge in the circumstances specified in the regulation.

Regulation 14 substitutes new sub-paragraphs (3) and (8) in regulation 32 of the 2023 (No. 2) Regulations. These sub-paragraphs extend the deadline for specified information to be provided to HMRC ("the due date") in cases where the scheme administrator has provided the pensions savings statement or benefit crystallisation event statement in respect of the specified individual on or after 1st November 2024, and the specified individual dies before receiving the statement or within three months of receiving the statement. Where the specified individual dies before receiving the statement, the due date is three months after the personal representative receives the statement.

Where the specified individual dies within three months of receiving the statement, the due date is three months after the date of death.

Regulation 14 has effect as if, when regulation 32 of the 2023 (No. 2) Regulations was made, that regulation contained the amendments made by regulation 14.

Regulation 15 relates to excess teacher service and ensures that any final salary uplift to which an individual is or may become entitled under a local government new scheme in relation to excess teacher service is ignored for the purposes of determining the individual's pension input amounts for any pension input period.

"Excess teacher service" has the meaning given in section 110(2) of PSPJOA 2022.

Regulation 15 has effect for the tax year 2014 - 15 and subsequent tax years. This regulation addresses unintended tax consequences which arise due to the operation of section 2(1) of PSPJOA 2022 in relation to excess teacher service. As section 2(1) of PSPJOA 2022 applies retrospectively to the period during which the member's remediable service accrued (1st April 2015 to 31st March 2022), this regulation needs to take effect from the tax year 2014 - 15.

A Tax Information and Impact Note has been published for the Finance Act 2022 and can be found here: https://www.gov.uk/government/collections/tax-information-and-impact-notes-tiins. It remains an accurate summary of the impacts that apply to this instrument.